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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,140	04/01/2004	Sayling Wen	3313-1144PUSI	6547
2292 7590 11/02/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER UTAMA, ROBERT J	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 11/02/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

Application No.

10/814,140

Applicant(s)

WEN ET AL.

Examiner

Robert J. Utama

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

1. This office action is a response to applicant's amendment filed on 08/29/2007. The current status of claims are as follows: claim 1-12 are still pending. No claim has been cancelled or withdrawn.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

Considering objective evidence present in the application indicating obviousness or nonobviousness.

**3. Claim 1-4, 6-8 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasowicz US 6,755,657 in view of Olsen US 2004/0018477**

**Claim 1 and 7:** Wasowicz '557 provide a teaching of a typewriting system and method that provides multiple information clues which comprises: of a database that stores more than one set of original spelling datum and a plurality of associated clues (see FIG. 3 item 110); a problem generating module, which extract an original spelling datum along with associated clues from the spelling database according to a current difficulty level (see FIG. 19A item 550 and FIG 23 item 640); a display module, which display the clues according to the current difficulty level within a predetermined amount of time (see 9B item 328 and col. 5:14-20); an input receiving module which accepts an input from the learner within a predetermined time (see col. 29:45-50) and a result comparison module which compares the learner's input with the original spelling datum of the problem generating module and outputs a comparison result (see col. 29:50-55) and notifying the user of the result of the comparison (see FIG. 23 item 650 and col. 29:54-57). Wasowicz failed to provide a teaching wherein the clues in higher difficulty level are fewer than

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clues in the lower difficulty level. However, the Olsen reference provides a teaching wherein the clues in higher difficulty level are fewer than clues in the lower difficulty level (see paragraph 23 and 44).

Therefore, it would have been obvious to add the feature wherein the clues in higher difficulty level are fewer than clues in the lower difficulty level, as taught by Olsen, into the system of Wasowicz because it would the system to definitively provide training utilizing hints at different difficulty level (see paragraph 22).

**Claim 2 and 8:** Wasowicz '557 provide a teaching of an adjusting module for the adjusting the difficulty level in accordance to the comparison result (see FIG. 19A item 564,566 and 568, 570).

**Claim 3 and 10:** Wasowicz '557 provide a teaching where the clues include combination of graphics (see col. 21:5-15) and sound (col. 29:44-46).

**Claim 4 and 11:** Wasowicz '557 provides a teaching where the clues are displayed in a free-fall manner (see FIG. 9C item 326 and col. 18:55-60).

**Claim 12:** Wasowicz '557 provides a teaching where the notifying step is displaying the user's input (see FIG. 19C).

**Claim 6 and 13:** While Wasowicz '557 does not explicitly disclose of a display module that terminates the display of clues if the comparison clues. The examiner contends that Wasowicz'557 inherently discloses this limitation, once the user provides the system with a correct response the system would present the next set of problems which necessitates the termination of the current clue in order to accommodate the display of the next set of clues.

**4. Claim 5 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Wasowicz US 6,755,657 and Burtis et al US 4,089,124**

**Claim 5 and 9:** Wasowicz fails to provide a teaching where the user selects the difficulty level. However, Burtis '124 provide a teaching where the user selects the current difficulty level of the training system (see Burtis col. 3:56-63). Therefore, it would have been obvious for one of ordinary skilled in the art to include the feature of enabling the user to select the difficulty level, as taught by Burtis, because it would enable the user to start the training at a level that he/she if comfortable with and not be frustrated by starting the training with questions that are too hard or too easy.

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***Response to Arguments***

5. Applicant's arguments with respect to claim 1-13 have been considered but are moot in view of the new ground(s) of rejection.
6. Applicant's submission of new figures have been accepted and examined. The examiner has accepted the new drawing and withdrawn the drawing objections stated in the previous office action.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Utama whose telephone number is (571) 272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezutto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ROBERT E. PEZZUTO  
SUPERVISORY PRIMARY EXAMINER